

## **WAC 463-XX-XXX Water Quality**

(1) Introduction. This rule describes the standard the Council will apply to waste water discharges from projects under the Council's jurisdiction.

(2) Definitions.

(a) "Act" means the Federal Water Pollution Control Act as amended, (86 Stat 816, 33 U.S.C. 1251, et seq.).

(b) "General permit" means a permit which covers multiple dischargers within a designated geographical area, in lieu of individual permits being issued to each discharger.

(c) "National Pollutant Discharge Elimination System (NPDES)" means the national system for the issuance of permits under section 402 of the act and includes the Washington state program (set forth in chapter 151, Laws of 1973) for participation in said system which has been approved by the administrator in whole pursuant to section 402 of the act.

(d) "Privately owned treatment works" means any device or system which is:

(i) used to treat wastes from any facility whose operator is not the operator of the treatment works; and

(ii) not a "POTW."

(e) "Publicly Owned Treatment Works or POTW" means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey

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wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

(f) "Waters of the state" means all lakes, rivers, ponds, streams, inland waters, ground waters, salt waters, and all other waters and water courses within the jurisdiction of the state of Washington.

(3) Policy.

Waste water discharges from projects under the Council's jurisdiction shall meet or exceed the requirements of the state water quality standards Chapter 173-201A WAC and groundwater quality standards, Chapter 173-200 WAC and shall not result in a degradation of the quality of the waters of the state of Washington or have a significant adverse impact on the environment or human health. Compliance with this policy shall be determined based on the requirements outlined in subsections (4), (5) and (6) below.

(4) Wastewater Discharges Subject to the National Pollution Discharge Elimination System (NPDES) Permitting Program.

For projects under the Council's jurisdiction that discharge wastewater including stormwater subject to the NPDES permitting program, compliance with existing state and federal regulations concerning the NPDES permitting program, as adopted by the Council in Chapter 463-38 WAC and (NEW) 463-XX-XXX (stormwater gen permits), shall create a presumption that the Council's standard has been satisfied. This presumption may be overcome only if the Council determines, after a review of all the relevant evidence before it, that the discharges would, despite compliance with existing state and federal standards, have a significant adverse impact on the environment or human health.

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If such a determination is made, the Council may, require additional effluent limitations or mitigation measures necessary to prevent significant adverse impacts to the environment and human health.

(5) Wastewater Discharges to Publicly Owned Treatment Facilities.

For projects under the Council's jurisdiction that discharge wastewater to groundwater of the state, compliance with WAC Chapter 463-XX-XXX (NEW) shall create a presumption that the Council's standard has been satisfied. This presumption may be overcome only if the Council determines, after a review of all the relevant evidence before it, that the discharges would, despite compliance with existing state standards, have a significant adverse impact on the environment or human health. If such a determination is made, the Council may, require additional effluent limitations or mitigation measures necessary to prevent significant adverse impacts to the environment and human health. Where a discharge is proposed to a privately owned treatment works, the applicant shall provide an engineering analysis that the proposed discharge will not cause the municipal entity to exceed capacities or to violate their authorized discharge limits, including both the quality of their discharge as well as the volume of their discharge and to comply with the permits governing its operation. Depending on the nature of the proposed wastewater discharge to the publicly owned treatment facility, the council may require that industrial pretreatment of wastewater flows be provided prior to such discharge.

(6) Wastewater Discharges to Ground Waters of the State.

For projects under the Council's jurisdiction that discharge wastewater to groundwater of the state, compliance with WAC Chapter 463-XX-XXX (NEW) shall create a

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presumption that the Council's standard has been satisfied. This presumption may be overcome only if the Council determines, after a review of all the relevant evidence before it, that the discharges would, despite compliance with existing state standards, have a significant adverse impact on the environment or human health. If such a determination is made, the Council may, require additional effluent limitations or mitigation measures necessary to prevent significant adverse impacts to the environment and human health. In addition, the council may require that a ground water monitoring program be established to determine that groundwater quality standards are not being exceeded or that others rights to use such water is not impacted in any negative manner.

(7) Wastewater Discharges to Privately Owned Conveyance Systems.

For projects under the Council's jurisdiction that discharge wastewater to facilities other than publicly owned treatment facilities, the provisions of subsections (4), (5), and (6) above shall apply. In addition, the applicant shall provide the Council with:

(a) Documentation that the wastewater conveyance and discharge facilities are capable of handling the discharging and not causing a violation of water quality standards at the point of discharge;

(b) Documentation that the facilities are in good repair and functioning as designed; and

(c) Documentation that the applicant is authorized to use the facilities and that the applicant has the ability to execute necessary repairs in the event of damage to the conveyance and discharge facilities.